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Canada's New Government makes improvements to the Temporary Foreign Worker Program

Vancouver, February 23, 2007 —The Honourable Monte Solberg, Minister of Human Resources and Social Development (HRSDC), and the Honourable Diane Finley, Minister of Citizenship and Immigration (CIC) today announced additional improvements to the Temporary Foreign Worker program. These improvements address challenges that Canadian employers face in filling labour shortages and so help Canada stay competitive and contribute to a strong economy.

"As part of the Advantage Canada strategy, Canada's New Government is making changes to our Temporary Foreign Worker program to make it faster and easier for Canadian employers to meet their labour force needs," said Minister Solberg. "Employers who have exhausted their search for Canadian workers often need to hire temporary foreign workers to work for a period longer than a year, and today's announcement will allow this to happen."

"The changes will reduce the time that employers have to wait to get the workers they need," said Minister Finley. "As well, extending the time that workers can stay in Canada provides more security and stability to the workers and to the employers."

The Honourable Colin Hansen, B.C. Minister of Economic Development, welcomed the improvements saying, "These additional changes to the Foreign Worker Program will help our employers by making sure they have the labour force to sustain our booming economy."

"The Foreign Worker Program requires that we demonstrate efforts to recruit in Canada, but sometimes Canadians are not available," said Wendy Swedlove, President of the Canadian Tourism Human Resource Council (CTHRC). "In these situations, the improvements would help us to hire workers for these vacant jobs. The changes will make it easier for us to bring in temporary foreign workers so that we can continue to contribute to Canada's economy."

These measures are a good first step in dealing with some of the issues faced by small businesses, according to the Canadian Federation of Independent Business (CFIB). "With the shortage of labour at an all-time high, foreign workers are a more and more important resource for small businesses trying to deal with the issue," said Catherine Swift, President and CEO of CFIB. "However, CFIB research found that the immigration and temporary foreign worker process is cumbersome and complicated to navigate. Today's announcement shows the government is listening to small business' concerns and is beginning to address the issues," she added.

The Program allows employers to hire temporary foreign workers when there are no Canadian citizens or permanent residents available for the positions. Previously, temporary foreign workers with less formal training would have to leave Canada after twelve months, for four months, and then re-apply to come back. With these changes, they can stay for up to twenty-four months without having to request an extension.

Two other measures are also being introduced which will save employers time. Employers will be able to apply online to HRSDC for a labour market opinion (LMO) (see attached backgrounder), and, upon request, CIC and HRSDC will process work permits and LMO's concurrently.

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BACKGROUNDER
Canada's New Government makes additional improvements to the Foreign Worker Program.

In November and December 2006, Canada's New Government announced improvements to the Foreign Worker Program. These improvements included the development of Lists of Regional Occupations Under Pressure which cut recruiting time for employers. These lists are currently available in British Columbia, Alberta and Ontario and will be announced in other provinces and territories as they become available. In addition a handbook for employers has been developed detailing exactly what steps they must take to hire a foreign worker. The November announcement also highlighted the ongoing work of two federal-provincial working groups in Alberta and B.C.

On February 23, 2007, Canada's New Government announced four additional changes to the Foreign Worker Program:

- To extend the duration of the Labour Market Opinion (LMO) from up to 12 months, to up to 24 months in length where appropriate. A Labour Market Opinion (LMO) is an assessment of the likely impact a temporary offer of employment will have on the Canadian labour market.

- Effective February 23, 2007 this extension affects those foreign workers working in Canada under the Pilot Project for Occupations Requiring Lower Levels of Formal Training (National Occupational Classification (NOC) C and D categories). The list of jobs requiring less formal training can be found under occupations NOC C and D on the National Occupational Classification website at:
http://www23.hrdc-drhc.gc.ca/2001/e/generic/matrix.pdf

- To enable employers to complete the "*Foreign Worker Application (Application for a Labour Market Opinion)*" formonline as of April 1, 2007 (see attached backgrounder). Employers will be able to access information about applying online by mid-March 2007, following this link:
http://www.hrsdc.gc.ca/en/epb/lmd/fw/onlineappintro.shtml

- To extend the duration of the LMO under the Live-in Caregiver Program from 1 year to a

maximum of 3 years and 3 months when requested by the employer. Effective February 23, 2007 live-in caregivers will be eligible for work permits for the same time period. Therefore, most live-in caregivers who remain with the same employer will no longer have to apply every year to have their work permits renewed; and

- To expedite the process for employers hiring a foreign worker by allowing work permit applications to be processed at the same time as the application for an LMO, if requested by the worker. Effective February 23, 2007 this concurrent processing of the employer's LMO and the foreign national's work permit should reduce the total processing time for these applications.

BACKGROUNDER
"Application for a Labour Market Opinion" Online Form for Employers

The Foreign Worker Program (FWP) is jointly administered by Human Resources and Social Development Canada (HRSDC) and Citizenship and Immigration Canada (CIC). Under the Immigration and Refugee Protection Regulations (IRPR), HRSDC is required to provide an opinion to Citizenship and Immigration (CIC) or to an employer on the likely impact hiring a foreign worker will have on the Canadian labour market. This is called a "Labour Market Opinion" or LMO. In addition, most foreign nationals who wish to work in Canada temporarily require a work permit from CIC.

As of **April 1, 2007**, employers will be able to completely fill-in and submit their Foreign Worker Application (the *"Application for a Labour Market Opinion"* form) over the Internet at http://www.hrsdc.gc.ca/en/epb/lmd/fw/onlineappintro.shtml. This is the only FWP application form which will be available to be submitted online at present. Employers will still be able to access the Adobe Acrobat "fill and print" version of the application form via the FWP forms page at: http://www.hrsdc.gc.ca/en/epb/lmd/fw/forms.shtml . All other FWP application forms (e.g. seasonal agricultural worker program, live-in caregivers) will also still be available in the Adobe Acrobat "fill and print" format via the FWP forms page.

For security reasons, when completing the online version of the "Application for a Labour Market Opinion", employers must fill out the entire on-line form at one time (in a single session) - it cannot be saved and returned to later. The online version of the form is in a questionnaire format and each question is accompanied by additional information and a "Help" button that provides specific instructions on completing each question.

Once all the questions have been answered and the form has been successfully submitted electronically, employers will receive confirmation of their submission and a **tracking number** for the employer to keep (for future reference). In addition to the online application, employers will be required to submit the following: a printed and signed copy of the "Declaration of Employer" page; a printout of the page showing the tracking number; and any additional supporting information. All these documents must be submitted to the Service Canada office before the application can be fully processed. This **tracking number** must be included on all supporting paper documents, or information that they submit regarding the application. To reduce processing time, employers are encouraged to submit all supporting paper documents using **one** method: either all by fax *or* all by mail.

Depending on the complexity of an application, completing and submitting the Foreign Worker Application *(Application for a Labour Market Opinion)* form online will save employers time and will reduce processing time in most cases.

For more information, visit www.hrsdc.gc.ca.

All times are reflected in Atlantic time

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